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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/823,568	04/14/2004	Tomoharu Tanaka	001701.00205	4830
22907	7590	08/17/2005		
BANNER & WITCOFF 1001 G STREET N W SUITE 1100 WASHINGTON, DC 20001			EXAMINER OWENS, DOUGLAS W	
			ART UNIT 2811	PAPER NUMBER

DATE MAILED: 08/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/823,568	Applicant(s) TANAKA ET AL.	
	Examiner Douglas W. Owens	Art Unit 2811	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 June 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>4/14/04</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 8, 9, 13 and 14 are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent No. 6,513,719 to Imura.

Regarding claim 8, Imura teaches a nonvolatile semiconductor memory package (Fig. 3; Col. 2, lines 49 – 58) comprising:

- a memory device (315) having a memory cell array including a plurality of nonvolatile semiconductor memory cells;
- a control portion (316) configured to control the memory device;
- a network interface (302) connectable to a network;
- a file management portion (310) connected to the network interface and configured to manage a relationship between a data file given from the network and an address of the memory cell array; and
- a memory interface (309) connected to the file management portion configured to convert a signal given from the network to a signal which is capable of being used at the control portion.

Regarding claim 9, Imura teaches a package, wherein the network interface corresponds to a transmission control protocol (Col. 6, lines 22 – 26).

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Regarding claim 13, Imura teaches a package, wherein the package is connectable to equipment disconnected from the network.

Regarding claim 14, Imura teaches a package, wherein the package works as a storage device for the equipment.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1 – 7 and 10 – 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 6,513,719 to Imura in view of US Patent Application Publication No. 2002/0025726 to Nishimura.

Regarding claim 1, Imura teaches a nonvolatile semiconductor memory package (Fig. 3; Col. 2, lines 49 – 58) comprising:

a memory device (315) having a memory cell array including a plurality of nonvolatile semiconductor memory cells;

a control portion (316) configured to control the memory device;

a network interface (302) connectable to a network;

a file management portion (310) connected to the network interface and configured to manage a relationship between a data file given from the network and an address of the memory cell array; and

a memory interface (309) connected to the file management portion configured to convert a signal given from the network to a signal which is capable of being used at the control portion.

Imura does not teach that the package is wrapped by an insulating material. Nishimura teaches a nonvolatile semiconductor memory package (Fig. 3), wherein the package is wrapped by an insulating material (2). It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Nishimura into the device taught by Imura, since it is desirable to protect the package from the environment.

Regarding claim 2, Imura teaches a package, wherein the network interface corresponds to a transmission control protocol (Col. 6, lines 22 – 26).

Regarding claims 3 – 5 and 10 – 12, Imura does not explicitly disclose using file transfer protocol, anonymous file transfer protocol and point-to-point protocol. One having ordinary skill in the art would recognize that transmission control protocol is the backbone of the cited protocols, all of which are commonly used in the art. It would have been obvious to connect to a network by using any of these protocols since it is desirable to use known and reliable data transfer methods.

Regarding claim 6, Imura teaches a package, wherein the package is connectable to equipment disconnected from the network.

Regarding claim 7, Imura teaches a package, wherein the package works as a storage device for the equipment.

Response to Arguments

4. Applicant's arguments filed June 9, 2005 have been fully considered but they are not persuasive.

Applicant argues that Imura does not disclose a file management portion, asserting that the Examiner cited the transfer protocol as being the management portion. No such rejection has been made. This feature (310) is shown in Fig. 3. It is known in the art that the register of a device performs this function.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Douglas W. Owens whose telephone number is 571-272-1662. The examiner can normally be reached on Monday-Friday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven H. Loke can be reached on 571-272-1657. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "Douglas W. Owens". The signature is fluid and cursive, with the first name "Douglas" being the most prominent part.

Douglas W Owens
Examiner
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DWO